

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ALLIANCE CATHOLIC CREDIT UNION
and ASTERA CREDIT UNION,

Plaintiffs,

No. 13-10077

v.

Magistrate Judge R. Steven Whalen

ALLIED SOLUTIONS, LLC, ET AL.,

Defendants.

AMENDED OPINION AND ORDER

On March 26, 2018, the Court entered an Opinion and Order [Doc. #120] denying without prejudice Plaintiff's Motion for Default Judgment against Defendant Capital Lending Strategies, LLC ("CLS"). While there was no concern about the risk of an inconsistent judgment as to liability vis-a-vis the remaining Defendant O'Malley & Associates, the Court was concerned about that possibility in terms of damages. The Court therefore denied the motion without prejudice, stating that there are "reasons for delaying a default judgment against CLS until the case against O'Malley is resolved. Fed.R.Civ.P. 54(b)."

It now appears to the Court that the preferable solution is to grant a default judgment against CLS as to liability, but reserve the issue of damages.

IT IS THEREFORE ORDERED that the Court's previous Opinion and Order [Doc. #120] is AMENDED to reflect that Plaintiff's motion for default judgment against CLS on Counts I, II, III, IV, V, VI, and IX is GRANTED as to liability only. The Court will consider the issue of damages at a later date.¹

s/ R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: April 9, 2018

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was sent to parties of record on April 9, 2018, electronically and/or by U.S. mail.

s/Carolyn M. Ciesla
Case Manager to the
Honorable R. Steven Whalen

¹ In its motion, Plaintiffs state that they are voluntarily dismissing Count VII of the amended complaint (conspiracy). The Court has stricken CLS's answer to the amended complaint. Therefore, Count VII will be dismissed without a court order pursuant to Fed.R.Civ.P. 41(a)(1)(A)(i).